

1

1 should not be pursued until the legal viability of Plaintiffs' claims has been reviewed and
2 determined in the pending appeal.

3 In addition, in determining whether or not to exercise the Court's inherent power to stay
4 an action, the Court may consider the burden on the Court and the parties in terms of time and
5 effort. There are presently at least two motions already filed by the parties. Several more,
6 including a motion for class certification, are anticipated. Requiring the Court to rule on these
7 motions when there is an appeal pending that might reshape the issues presented appears to be an
8 inefficient use of the efforts of the Court and the parties.
9

10 Therefore, having reviewed the factors presented by the parties, the Court hereby GRANTS
11 Defendants' motion for a stay.

- 12 • This matter is STAYED until such time as the Third Circuit Court of Appeals renders
13 its decision in *Mielo v. Steak N' Shake Operations, Inc.*
- 14 • Defendant's pending motion to transfer venue (ECF 39), and motion to dismiss and to
15 strike plaintiffs' class allegations (ECF 27) are stricken with leave to refile once the
16 stay is lifted.
17

18 **SO ORDERED.**

19
20 Dated this 16th day of January, 2018.

21
22 
23

24 Barbara Jacobs Rothstein
25 U.S. District Court Judge